

IN SENATE OF THE UNITED STATES,

JANUARY 30, 1824.

Read, and ordered to be printed,

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of William Wilson, praying a proportion of the proceeds of a vessel called "The Clarissa Claiborne," and of her cargo, condemned for a violation of the embargo laws, and sold by the Marshal of New Orleans,

RESPECTFULLY REPORT:

That, it appears from the evidence accompanying the petition, that, in the year 1808, whilst the embargo laws were in force, the "Clarissa Claiborne," and her cargo, were seized at the port of New Orleans by William Brown, Collector, as forfeited to the United States for a breach of the embargo laws—were libelled in the District Court of New Orleans, and, in 1809, condemned to be sold. That, from this decree of the District Court, the claimants of the vessel and cargo appealed to the Supreme Court of the United States, where the decree was affirmed in 1813. The evidence further proves that, in 1809, with the consent of parties, the property was sold by the Marshal, and the proceeds, amounting to \$2050, deposited in the office of the clerk of the District Court—and that, in 1813, after the affirmation of the decree, the clerk was directed, by an order of the District Court, to pay the money to the Collector of the District of Mississippi. The above facts are satisfactorily proved—but the petitioner, to entitle himself to a share of the forfeited property, and to the interference of Congress, alleges, that he gave to the Collector the *information* which led to the seizure and condemnation of the vessel and cargo. And, to account for his long inattention to the business, states that, shortly after he gave the information, being an officer in the army of the United States, he was ordered to a distant post, and, from that time, was continually absent from New Orleans until 1822, when he first became acquainted with the proceedings which had taken place in his absence. That he wrote several letters to his friends requesting information, to which no answer was returned. He further states that, after deducting the expenses of the

prosecution, there remained the sum of \$1,710 12½ cents, which has been paid to the United States; and that, as informer, he is entitled to receive a part of it.

On the above statement, the committee deem it proper to observe:

1. That the District Court of New Orleans was the proper tribunal for settling the claim of the petitioner, who, according to the established practice of that court, should, at the time the prosecution was going on against the forfeited property, have appeared in person, or by counsel, and presented a petition, setting forth his rights as informer, and praying a share of the proceeds. Had he done so, the court would have directed a trial; and, upon satisfactory proof, would have awarded to him his due proportion of the proceeds of the vessel and cargo. It is, however, manifest, that the petitioner has never taken any one measure to vindicate his claim, but has suffered the proceedings to be consummated, and the whole of the money to be paid over, and divided between the United States and the Collector, and such other persons as were engaged in the seizure, as long ago as the year 1813, without objection.

2. That the evidence before the committee to prove that the petitioner *was, in reality, the informer*, who induced the seizure of the "Clarissa Claiborne" and cargo, is wholly insufficient for that purpose.

The committee are, therefore, of opinion, that the prayer of the petitioner ought not to be granted.